

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.

**ORDER DENYING
DEFENDANTS' MOTION
TO DISMISS INDICTMENT**

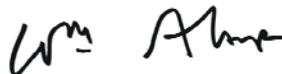
KURT F. JOHNSON and DALE SCOTT
HEINEMAN,

Defendant.

In 2008, defendants Kurt Johnson and Dale Scott Heineman were convicted of conspiracy to commit mail fraud and multiple counts of mail fraud. Their convictions were recently affirmed by the United States Court of Appeals for the Ninth Circuit. Defendants have now filed a submission styled as a "motion to dismiss the indictment" in this action. This motion is untimely and does not relate to any pending indictment. It is therefore **DENIED**.

IT IS SO ORDERED.

Dated: August 12, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE